

REMARKS

Please reconsider this application in view of the following remarks. Applicants thank the Examiner for carefully considering this application.

Disposition of Claims

Claims 1, 5, 6, and 28-36 are pending. Claims 1, 29, and 33 are independent. The remaining claims depend, directly or indirectly, from independent claims 1, 29, and 33.

Drawings

Applicants thank the Examiner for indicating that the drawings filed on July 16, 2003 are accepted (although the Examiner appears to have inadvertently indicated that the drawings were filed July 3, 2006, which is in fact the mailing date of the previous Office Action).

Rejections under 35 U.S.C. § 103

As an initial matter, Applicants respectfully note that the Examiner quotes 35 U.S.C. § 103(a) as a basis for the rejections, but specifically rejects all of the claims under 35 U.S.C. § 102(e) later in the Office Action. *See* Office Action dated October 10, 2006, pp. 4, 7, 8. Applicants respectfully request that a new Office Action be issued to clarify the specific basis relied upon for the rejections. Meanwhile, for the purposes of this response and in an effort to further prosecution, Applicants hereby assume that the Examiner intended to reject the claims under 35 U.S.C. § 103(a).

Turning to the rejection of the claims, to establish a *prima facie* case of obviousness, “[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations.*” MPEP § 2143 (emphasis added). Further, “*all words in a claim* must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03 (emphasis added).

Claims 1, 5, 29, 30, 33, and 34

Claims 1, 5, 29, 30, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0107891 (hereinafter “Leamon”) in view of U.S. Patent Application Publication No. 2002/0161928 (hereinafter “Ndili”). This rejection is respectfully traversed.

Claims 1, 29, and 33 recite, in part:

obtaining a first markup of the first channel of content and a second markup of the second channel of content, wherein the first markup is encoded in a generic markup language and *the second markup is encoded in a device-specific markup language associated with an access device;*

forwarding the first markup to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language;

aggregating the second markup and the third markup to create a front page; and

communicating the front page to the access device.

The claims clearly require that the second markup of the second channel of content, *as obtained, already be encoded* in the *device-specific* markup language. Further, the second markup and the third markup clearly must be *aggregated* to create a front page.

The Examiner admits that Leamon does not disclose the “second markup of the second channel of content ... encoded in a device-specific markup language” recited in the claims.

Instead, the Examiner relies on Ndili to supply that which Leamon lacks. *See* Office Action dated October 10, 2006, pp. 5-6.

To the contrary, Ndili is clearly directed to *converting* content that is *not* already in a device-specific format. Specifically, as disclosed by Ndili, “[i]n step 230, the content engine 110 accesses the network site located by the URL to retrieve specific network events.... In step 240, content engine 110 *converts the network event(s) into a wireless format for mobile device 120.*” Ndili at [0068]-[0069] (emphasis added). Further, in the passage cited by the Examiner, “the content retrieved from the IP site is *converted* and segmented according to the memory allotment.” Ndili at [0078] (emphasis added). Clearly, in Ndili, *all* content must be *converted* to the device-specific format. Accordingly, the content of Ndili cannot possibly be equivalent to the “second markup of the second channel of content ... encoded in a device-specific markup language” explicitly recited in the claims.

Moreover, even assuming *arguendo* that Ndili discloses the second markup recited in the claims, the Examiner does not provide *any* indication *whatsoever* of where either Leamon or Ndili discloses *aggregating* markups of two separate channels of content. Instead, the Examiner merely suggests that a combination of the two references would result in the aggregating required by the claims. *See* Office Action dated October 10, 2006, pp. 5-6. Of course, that begs the question of where in either of the two references such a limitation is taught—the result (*i.e.*, aggregating) cannot just happen without some teaching in one or both of the references.

Applicants respectfully submit that, absent any express or inherent disclosure of *aggregating* markups of two separate channels of content, the references cannot *possibly* teach or suggest *all the limitations* of claims 1, 29, and 33. In relying on Leamon and Ndili in this manner, the Examiner is effectively reading out an express limitation of the claims, which is

wholly improper. Further, because the Examiner does not provide *any* indication *whatsoever* of where aggregating is disclosed in the references, Applicants respectfully submit that any subsequent Office Action relying on Leamon and/or Ndili to disclose *aggregating* would constitute a new ground of rejection and cannot properly be made final.

In view of the above, Leamon and Ndili clearly do not teach or suggest all the limitations of independent claims 1, 29, and 33, whether viewed separately or in combination. Thus, independent claims 1, 29, and 33 are patentable over Leamon and Ndili for at least the reasons given above. Claims 5, 30, and 34 depend, directly or indirectly, from independent claims 1, 29, and 33, and are therefore patentable over Leamon and Ndili for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 6, 31, and 35

Claims 6, 31, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leamon, in view of Ndili and further in view of U.S. Patent No. 6,781,609 (hereinafter “Barker”). This rejection is respectfully traversed.

As discussed above, Leamon and Ndili fail to disclose all the limitations of independent claims 1, 29, and 33. Barker fails to supply that which Leamon and Ndili lack, as evidenced by the fact that the Examiner relies on Barker solely to disclose “wherein the generic markup language is abstract markup language.” *See* Office Action dated October 10, 2006, pp. 7-8. Thus, independent claims 1, 29, and 33 are patentable over Leamon, Ndili, and Barker for at least the reasons given above. Claims 6, 31, and 35 depend, directly or indirectly, from independent claims 1, 29, and 33, and are therefore patentable over Leamon, Ndili, and Barker for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 28, 32, and 36

Claims 28, 32, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Leamon, in view of Ndili and further in view of U.S. Patent Application Publication No. 2004/0205567 (hereinafter “Nielsen”). This rejection is respectfully traversed.

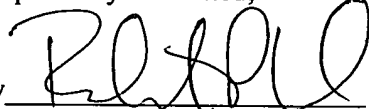
As discussed above, Leamon and Ndili fail to disclose all the limitations of independent claims 1, 29, and 33. Nielsen fails to supply that which Leamon and Ndili lack, as evidenced by the fact that the Examiner relies on Nielsen solely to disclose “wherein the third markup language is dynamically rendered at runtime when the access device is in use.” See Office Action dated October 10, 2006, pp. 8-9. Thus, independent claims 1, 29, and 33 are patentable over Leamon, Ndili, and Nielsen for at least the reasons given above. Claims 28, 32, and 36 depend, directly or indirectly, from independent claims 1, 29, and 33, and are therefore patentable over Leamon, Ndili, and Nielsen for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/511001).

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Respectfully submitted,

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